

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

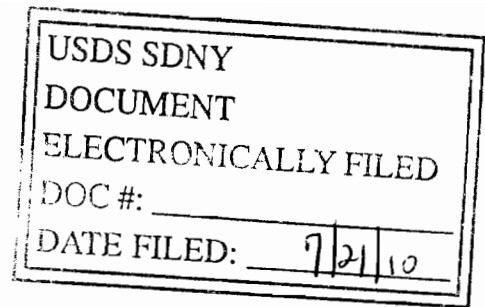
\_\_\_\_\_  
AHIB PAUL,

Petitioner,

-against-

ROBERT ERCOLE,

Respondent.  
\_\_\_\_\_



07 Civ. 9462 (CM)(HBP)

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AS THE COURT'S  
DECISION, DISMISSING PETITION FOR WRIT OF HABEAS CORPUS,  
AND DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY

McMahon, :

1. The court has received and reviewed the Report and Recommendation of The Hon. Henry B. Pitman, United States Magistrate Judge, dated June 10, 2010.
2. No objections have been received and the time for filing objections to the Report has expired without any request for an extension ✓, OR  
  
The court has reviewed the objections filed by Petitioner/Repondent on \_\_\_\_\_ and finds them to be without merit.
3. The Court adopts the Report as its opinion.
4. For the reasons stated in the Report, the petition is DENIED and the Clerk of the Court is directed to dismiss the case and to close the file.
5. Petitioner has made no substantial showing of the denial of a constitutional right, so there is no question of substance for appellate review. Therefore, no certificate of appealability shall issue. 28 U.S.C. § 2253; see *United States v. Perez*, 129 F. 3d 255, 259-60 (2d Cir. 1997); *Lozada v. United States*, 107 F. 3d 1011 (2d Cir. 1997); *Rodriguez v. Scully*, 905 F. 2d 24 (2d Cir. 1990).
6. I certify, pursuant to 28 U.S.C. § 1915(a), that an appeal from this order would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438 (1962).

Copies mailed/faxed/handed to counsel on 7/21/10

Dated: July 21, 2010

A handwritten signature in black ink, appearing to be "C. J. H.", written over a horizontal line.

U.S.D.J.

BY FIRST CLASS MAIL TO ATTACHED MAILING LIST